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JUL 16 PM 4:45
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Case No. 8:03-CR-77-T-30TBM

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

**MOTION OF SAMI AMIN AL-ARIAN FOR LEAVE TO RESPOND TO THE
GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION
TO EXCEED PAGE LIMITS AND INCORPORATED RESPONSE THERETO**

The Accused, Sami Al-Arian, by and through undersigned counsel, pursuant to Local Rule 3.01(b), hereby moves this Honorable Court for the entry of an Order permitting the Accused to respond to the pejorative and inaccurate Response of the United States to Defendant Al-Arian's Motion to Exceed Page Limits. The grounds for this motion necessarily incorporate the Accused's response to the government's pleading and are as follows:

1. In its Response, the government levels several inaccurate accusations at defense counsel, including, but not limited to, an assertion that counsel have disregarded this Court's Local Rules by filing a Reply to its Opposition to Dr. Al-Arian's previously filed *pro se* Motion to Dismiss.
2. On December 9, 2003, the Accused filed a Motion for Continuance, Doc. 394, a copy of which is attached hereto and made a part hereof.

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3. We respectfully refer the Court and the government to paragraph 2 of the attached Motion for Continuance, which states, in pertinent part:

Last week, counsel received from Dr. Al-Arian his copy of the Government's response to his *pro se* Motion to Dismiss. We have not had sufficient time to research the government's response. As such, we respectfully request adequate time to prepare a formal Reply in advance of oral argument on the motion. (Emphasis added).

4. We further direct the attention of the Court and the prosecution to the final paragraph of the attached Motion for Continuance:

WHEREFORE, for the foregoing reasons, we respectfully request that the Court continue the previously scheduled Oral Argument from December 23rd, 2003, to a date approximately four weeks later to allow counsel adequate time to prepare a formal Reply Brief and to prepare for oral argument. (Emphasis added).

5. The government did not oppose any portion of our Motion for Continuance.
6. The Court granted our Motion for Continuance, as reflected on the first page, with its endorsement stamp and signature.
7. As a result, the oral arguments were continued to January 21, 2004, as reflected in the attached Rescheduling Notice, dated December 9, 2003.
8. We believe this is a sufficient response to the pejorative pleading recently filed by the U.S. Attorney, Terry A. Zitek.

WHEREFORE, for the foregoing reasons, the Court should deny the United States their Response to Defendant Al-Arian's Motion to Exceed Page Limits, and take any other action the Court deems appropriate.

Dated: 16 January 2004

Respectfully submitted,



LINDA MORENO, ESQ.

1718 E. 7th Avenue

Suite 201

Tampa, Florida 33605

Telephone: (813) 247-4500

Telecopier: (813) 247-4551

Florida Bar No: 112283

WILLIAM B. MOFFITT, ESQ.

(VSB #14877)

Asbill Moffitt & Boss, Chtd

1615 New Hampshire Avenue, N.W.

Washington, D.C. 20009

Telephone: (202) 234-9000

Telecopier: (202) 332-6480

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been

sent via U. S. Mail this 16th day of January, 2004 to:

Walter Furr, Esq. &
Terry A. Zitek, Esq.
Office of the U.S. Attorney
400 N. Tampa St., Suite 3200,
Tampa, Florida, 33602;

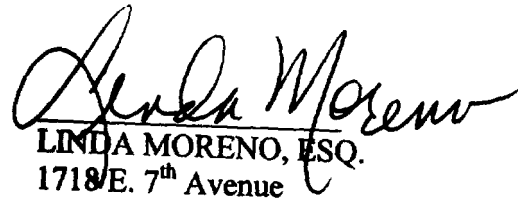
Daniel W. Eckhart, Esq.
Office of the U.S. Attorney
80 N. Hughey Ave., Suite 201
Orlando, Florida, 32801

Kevin Beck, Esq.. &
M. Allison Guagliardo, Esq.
Assistant Federal Public Defenders
400 N. Tampa St., Suite 2700,
Tampa, Florida, 33602;

Steven Bernstein, Esq.,
P.O. Box 1642,

Gainesville, Florida, 32602; and,

Bruce Howie, Esq,
Piper, Ludin, Howie & Werner, P.A.
5720 Central Ave.
St. Petersburg, Florida
33707

A handwritten signature in black ink, appearing to read "Linda Moreno", is written over the printed name and title.

LINDA MORENO, ESQ.

1718 E. 7th Avenue

Suite 201

Tampa, Florida 33605

Telephone: (813) 247-4500

Telecopier: (813) 247-4551

Florida Bar No: 112283

Attorney for: Sami Al-Arian

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JAN 14 2004 PM 4:07

UNITED STATES OF AMERICA,

v.

Case No. 8:03-CR-77-T-30TBM

This motion/petition/stipulation has been duly
considered and is hereby granted
this 11 day of Dec, 20 03.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

JAMES S. MOODY, JR.
U.S. DISTRICT JUDGE

MOTION FOR CONTINUANCE

COMES NOW, the Accused, SAMI AMIN AL-ARIAN, by and through undersigned counsel, and, pursuant to Local Rule 3.09, respectfully moves this Honorable Court for the entry of an Order continuing the scheduled oral argument on all pending Motions to Dismiss from December 23, 2003 to a future date approximately four weeks later. In support of the foregoing, counsel state as follows:

1. Both counsel for Dr. Al-Arian formally noticed their appearance on his behalf on October 29, 2003. Over the past five weeks, counsel have focused on getting up to speed with the facts and the law of this unusually dense and complex case.
2. Last week, counsel received from Dr. Al-Arian his copy of the Government's response to his *pro se* Motion to Dismiss. We have not had sufficient time to research the government's response. As such, we respectfully request adequate time to prepare a formal Reply in advance of oral argument on the motion.

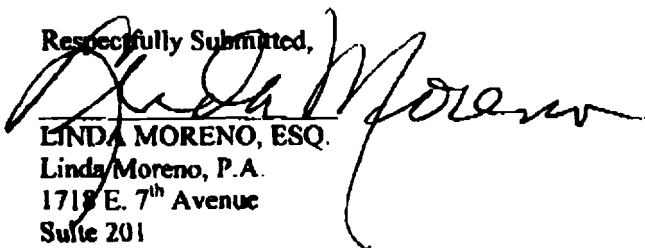
SCANNED

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3. Prior to entering the case, both Mr. Moffitt and Ms. Moreno made special family plans for the holiday season that conflict with the December 23, 2003 hearing. Ms. Moreno planned a family vacation to New Mexico from 12/17/03 through 12/24/03. Mr. Moffitt's 85-year-old mother and 90-year-old aunt will arrive at Mr. Moffitt's home in Virginia on December 22, 2003 and will be staying through the holidays. Due to their respective ages, the lack of any other family in the area, and their inability to get around alone, it would be inappropriate to leave them alone in unfamiliar surroundings.

WHEREFORE, for the foregoing reasons, we respectfully request that the Court continue the previously scheduled Oral Argument from December 23rd, 2003 to a date approximately four weeks later to allow counsel adequate time to prepare a formal Reply Brief and to prepare for oral argument.

Respectfully Submitted,



LINDA MORENO, ESQ.
Linda Moreno, P.A.
1718 E. 7th Avenue
Suite 201
Tampa, Florida 33629
Florida Bar Number 112283
Telephone (813) 247-4500
Telecopier (813) 247-4551

WILLIAM B. MOFFITT, ESQ.
(VSB#14877)
Asbill Moffitt & Boss Chtd.
The Pacific House
1615 New Hampshire Avenue, N.W.
Washington, D.C. 20009
Telephone (202) 234-9000
Telecopier (202) 332-6480

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been

Sent via U. S. Mail this 9th day of December, 2003.

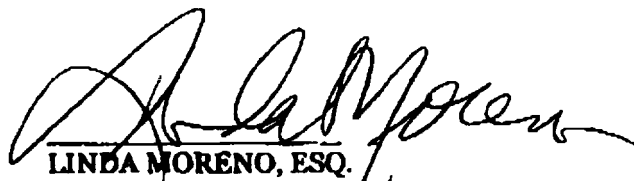
Walter Furr, Esq. &
Terry A. Zitek, Esq.
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Tampa, Florida, 33602;

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Office of the U.S. Attorney
80 N. Hughey Ave., Suite 201
Orlando, Florida, 32801

Kevin Beck, Esq. &
M. Allison Guagliardo, Esq.
Assistant Federal Public Defenders
400 N. Tampa St., Suite 2700,
Tampa, Florida, 33602;

Steven Bernstein, Esq.,
P.O. Box 1642,
Gainesville, Florida, 32602; and,

Bruce Howie, Esq.,
Piper, Ludin, Howie & Werner, P.A.
5720 Central Ave.,
St. Petersburg, Florida, 33707,


LINDA MORENO, ESQ.
1718 E. 7th Ave.; Suite 201
Tampa, Florida 33605
Telephone: 813-247-4500
Facsimile: 813-247-4551
Florida Bar No. 112283
Attorney for: Sami Al-Arian

UNITED STATES DISTRICT COURT**MIDDLE DISTRICT OF FLORIDA****Tampa Division****UNITED STATES OF AMERICA****RESCHEDULING NOTICE****V.****CASE NO. 8:03-CR-77-T-30TBM****SAMI AMIN AL-ARIAN
SAMEEH HAMMOUDEH
GHASSAN ZAYED BALLUT
HATIM NAJI FARIZ**

PLEASE TAKE NOTICE that a proceeding in this case has been **RESCHEDULED** for the place, date and time set forth below:

PLACE: **SAM M. GIBBONS U.S. COURTHOUSE**
801 N. Florida Avenue, Courtroom 13A, Tampa, Florida 33602

Previously set for: December 23, 2003, at 9:00 a.m.

DATE AND TIME: **WED., JANUARY 21, 2004, AT 1:30 P.M.**

TIME RESERVED: **One-Half Day**

TYPE OF PROCEEDING:

ORAL ARGUMENT
on all pending Motions to Dismiss
(Dkts. #200, 245, 250, 255, 256, 273, 301, 313, 330)
and on

1. Defendant Fariz's Motion to Strike Surplusage (Dkt. #251)
2. Defendant Fariz's Motion to Quash Section (b) of paragraph 26 of indictment for failure to state a legal basis for relief (Dkt. #302)
3. Defendant Fariz's Request for Oral Argument on Defendant's Pretrial Motions (Dkt. #303)

BEFORE: **JAMES S. MOODY, JR., United States District Judge**

DATED: December 9, 2003

JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Leslie E. Norberg
Leslie E. Norberg, Judicial Assistant
For Chambers

TO: Counsel/Parties of Record
The Honorable Thomas B. McCoun
Sonya Cohn, CRD
U. S. Marshal

**** The presence of the individual Defendants IS required at this hearing. ****

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